



1 taped telephone calls made from custody both by Mr. Bibbs and Mr. Watson. Based on an initial  
2 review of some of those taped calls, the government has advised defense counsel that it believes it  
3 will seek a Superseding Indictment which to add additional charges against the defendants  
4 separately and/or jointly, including additional charges of attempting to intimidate a witness.

5 The government is in the process of copying those taped calls for defense counsel. The  
6 government has represented that those calls fill 12 CDs.

7 In addition, the government advised defense counsel on August 17, 2007 that San  
8 Francisco jail officials are in the process of obtaining and copying for the government additional  
9 taped calls, but that computer problems have delayed that process. The government has not been  
10 able to determine how many additional taped calls have yet to provided by San Francisco jail  
11 officials, but believes that at least one additional CD full of calls by either Mr. Bibbs or Mr.  
12 Watson while each was in custody is likely.

13 Defendants, separately and jointly, intended to file motions based on the charges in the  
14 Indictment and the discovery provided to date. Among the motions defendants anticipated filing  
15 are motions for severance and discovery. The motion for severance would be based in part on the  
16 disparity of charges in the Indictment and on the government's intent to admit at a joint trial  
17 statements by Mr. Bibbs. The admission of post-arrest statements by one defendant may raise  
18 serious constitutional issues. However, if this new material – which the defense has not received  
19 and thus not reviewed – will result in the government seeking 1) additional charges against one or  
20 both defendants, and 2) to offer at trial additional statements by one or both defendants, the nature  
21 and scope of defendants' motions may change dramatically.

22 The government has also recently advised defense counsel that the results of DNA tests  
23 previously ordered by this Court will likely not be available until the end of September 2007.

24 It appears to all counsel that it would be more efficient and more appropriate to delay the  
25 preparation and hearing of pretrial motions to permit the government to complete its acquisition  
26 and review of the numerous taped telephone calls, and to decide whether new charges will be  
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1 brought, and to allow defense counsel to review and analyze such material. Based on that review,  
 2 defense counsel can more intelligently decide if the same or different motions should be prepared  
 3 and filed, and this Court can rule on those motions with a fuller appreciation of the evidence which  
 4 affects the a determination of those motions.

5 The government estimates that it will provide copies of the additional discovery (taped  
 6 telephone calls) by the end of the first week of September 2007. The government further estimates  
 7 that and will have a decision about whether new charges will be brought by mid-October 2007.  
 8 The delay is needed to review the many taped calls which have been or which will be provided to  
 9 the government. Further, government counsel expects to be in two back-to-back trials  
 10 commencing the last week of September 2007.

11 For these reasons, the parties jointly request and STIPULATE that the existing briefing  
 12 schedule and hearing date be vacated. If a Superseding Indictment is obtained, all parties will  
 13 appear before this Court shortly thereafter, and a new briefing schedule can be set. If the  
 14 government determines not to seek additional charges, or the grand jury refuses to issue a  
 15 Superseding Indictment, the government will promptly advise defense counsel and this matter will  
 16 be set before this Court promptly to establish a new briefing and hearing schedule.

17 So Stipulated.

18 DATED: August 24, 2007

19 \_\_\_\_\_/s/\_\_\_\_\_  
 20 Scott A. Sugarman  
 21 Attorney for Deandre Watson

22 DATED: August 24, 2007

23 \_\_\_\_\_/s/\_\_\_\_\_  
 24 Judd Iverson  
 25 Attorney for Maurice Bibbs

26 DATED: August 24, 2007

27 \_\_\_\_\_/s/\_\_\_\_\_  
 28 William Frentzen  
 Assistant United States Attorney

1 So Ordered.

2 DATE:

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4 WILLIAM H. ALSUP  
5 UNITED STATES DISTRICT COURT  
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